REMARKS

Claims 1-23 were originally filed in the present application.

Claims 1-23 are pending in the present application.

Claims 1-23 were rejected in the August 6, 2007 Office Action.

Claims 2-9 and 11-23 were objected to in the August 6, 2007 Office Action.

No claims have been allowed.

Claims 19 and 23 are amended herein to correct informalities.

Claims 1-23 remain in the present application.

Reconsideration of the claims is respectfully requested.

In Section 1 of the August 6, 2007 Office Action, the Examiner objected to certain claims due to informalities in those claims. The Applicants have amended Claims 19 and 23 to correct the cited informalities. However, the Applicants have not amended Claims 2-9, 11-18 and 20-23 to replace "Claim" with "claim" because the suggested change is unnecessary.

In Section 3 of the August 6, 2007 Office Action, the Examiner rejected Claims 1, 3-8, 10, 12-17, 19 and 21-23 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Serial No. 09/069,845 (Publication No. 2003/0103450) to *Chapman et al.* (hereafter, simply "Chapman").

In Section 5 of the August 6, 2007 Office Action, the Examiner rejected Claims 2, 11 and 20 under 35 U.S.C. §103(a) as being unpatentable over Chapman and further in view of U.S. Patent Application Serial No. 10/736,984 (Publication No. 2004/0179542) to *Murakami et al.* (hereafter, simply "Murakami").

In Section 6 of the August 6, 2007 Office Action, the Examiner rejected Claims 9 and 18

under 35 U.S.C. §103(a) as being unpatentable over Chapman and further in view of U.S. Patent

Application Serial No. 09/813,715 (Publication No. 2002/0135843) to *Gruia et al.* (hereafter, simply

"Gruia").

The Applicants respectfully disagree and traverse the Examiner's arguments in support of the

rejection. The Applicants maintain that the Applicants' switch fabric, as recited in Claims 1, 10 and

19 is patentably distinct from that of Chapman. Chapman's switch fabric is "capable of establishing

a plurality of logical pathways between said input ports and said output ports, each logical pathway

connecting a certain input port to a certain output port, whereby a data unit received at the certain

input port can be transported to the certain output port on the logical pathway" (claims 1, 23, 33,

paragraph [0039] and [0044]). In other words, Chapman's switch fabric merely routes a data unit

from an input port to an output port. The descriptions in paragraph [0029] and [0031] of Chapman

makes it apparent that the bandwidth control and traffic shaping functions are performed by the

interface cards rather than the switch fabric. "The computed average bandwidth usage value is then

compared to the bandwidth limit allocated to the particular logical pathway. If the bandwidth limit is

exceeded, then the queue simply stops requesting release of the packets. This provides a local

bandwidth control function allowing to manage (*sic*) the bandwidth usage over a particular logical

pathway." (paragraph [0029). Figure 3 of Chapman shows an input packet buffer 302, an output

buffer 304, and a packet controller 308, to corroborate the above description.

In contrast, Claims 1 and 10 recite that the "switch fabric is capable of detecting that the output bandwidth of a first output of said switch fabric has been exceeded and, in response to said detection, *said switch fabric* causes a first one of said plurality of routing nodes to slow an input rate of data packets transmitted from said first routing node to a first input of said switch fabric". The claimed switch fabric performs traffic control by "detecting" the allocated output bandwidth has been exceeded and then causing the input rate to slow down. This difference between the claimed switch fabric and the switch fabric in the Chapman reference is significant, because moving the traffic control and management function from the routing nodes to the switch fabric allows combining "traffic shaping normally done at input ports and QoS normally done at the output ports into a single process done at the switch fabric" (paragraph [009]). More importantly, this combination allows the claimed routing nodes to be dedicated to a specific customer's traffic and to "support subscription services for revenue purpose" (paragraph [009]) by enforcing a customer specific service level agreement (SLA). Independent Claims 10 and 19 recite a switch fabric that is analogous to the unique and novel switch fabric recited in Claim 1.

In sum, the prior art references cited by the Examiner do not teach or suggest the unique and novel switch fabric of Claim 1, 10 and 19. Accordingly, independent claims 1, 10 and 19 are patentable over the cited prior art. Additionally, dependent Claims 2-9 depend from Claim 1 and contain all of the unique and novel limitations recited in Claim 1. This being the case, dependent Claims 2-9 are also patentable over the cited prior art references.

Similarly, dependent Claims 11-18, which depend from Claim 10, and dependent claim 20-23, which depend from Claim 19, contain all the unique and novel limitations recited in Claim 10 and 19, respectively. This being the case, dependent claim 11-18 and 20-23 are also patentable over the cited prior art references.
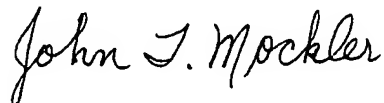
SUMMARY

For the reasons given above, the Applicant respectfully requests reconsideration and allowance of the pending claims and that this application be passed to issue. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *jmockler@munckbutrus.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

MUNCK BUTRUS CARTER, P.C.

John J. Mockler

John T. Mockler
Registration No. 39,775

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P.O. Drawer 800889
Dallas, Texas 75380
Phone: (972) 628-3600
Fax: (972) 628-3616
E-mail: *jmockler@munckbutrus.com*